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EXAMINER

BAYAT, BRADLEY B

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/651,320
Filing Date: August 31, 2000
Appellant(s): MANIAR ET AL.

Arthur A. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 1, 2006 appealing from the Office action mailed July 5, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,950,179	Buchanan et al.	9-1999
6,088,686	Walker et al.	7-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al. (hereinafter Buchanan, 5,950,179), in view of Walker et al. (Hereinafter Walker, 6,088,686).

As per claims 1, 12 and 21, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment). Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond

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credit rating and determining a credit limit for any financial product, including a bank card for new customers or current customers (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit.

As per claims 2-11, 13-16, 22-33, 38 and 39, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment). Specifically, Buchanan does not disclose providing other offers/cross selling, setting predetermined threshold or various electronic mechanisms of receiving response of input by a customer. Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a credit limit for any financial product, including a bank card (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). Walker further teaches providing a mechanism to automate up-sells and counteroffers based on the customer responses to various questions (column 6).

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Walker further discloses utilizing debt burden responses and other external factors beyond a credit rating to flag certain predetermined thresholds in determining a risk-assessed credit limit (columns 13-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit. Furthermore, it would have been obvious to modify the traditional credit issuing system to utilize consumer verifiable data to ascertain the true credit worthiness of the consumer and provide more opportunity to sell products while utilizing such predetermined thresholds to minimize risk in extending a line of credit.

As per claims 17-20, 34-37, Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65). Buchanan does not explicitly disclose analyzing various responses to risk splitting questions in increasing or decreasing a credit limit (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment). Walker, however, teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a credit limit for any financial product, including a bank card (column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process). Walker further teaches providing a mechanism to automate

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up-sells and counteroffers based on the customer responses to various questions (column 6). Walker further discloses utilizing debt burden responses and other external factors beyond a credit rating to flag certain predetermined thresholds in determining a risk-assessed credit limit (columns 13-14). Moreover, Walker teaches a mechanism to increase or decrease a credit limit based on various factors to provide risk security for the financial institution, while at the same time retaining the customer without having to completely revoke a credit limit (columns 15-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Buchanan to include other factors beyond the traditional credit rating, such as the maximum debt burden taught in Walker, to determine a customized credit limit commensurate with the customer's actual spending power and capacity while at the same time minimizing the risk in extending a more accurate line of credit. Furthermore, it would have been obvious to modify the traditional credit issuing system to utilize consumer verifiable data to ascertain the true credit worthiness of the consumer and provide more opportunity to sell products while utilizing such predetermined thresholds to minimize risk in extending a line of credit while also retaining customers that may have financial problems.

(10) Response to Argument

Claims 1 and 12

Appellant argues that Buchanan does not teach or suggest the step of providing an “un-activated credit card” but rather “expressly teaches providing an activated credit card to a customer (brief pp. 13-15).” The examiner respectfully disagrees with applicant's interpretation of Buchanan.

It is axiomatic that un-activated credit cards are provided with the requirement that the consumer activate them to prevent illegitimate activity, e.g., sticker on a credit card requiring customer to call a number to activate, directing consumer to a website to activate by inputting identifying information etc. The activation process is the verification step that binds the consumer to the charges incurred by a credit card product and thereby protects the issuer from abuse.

In fact, not unlike applicant's objective, Buchanan is directed to a method of issuing a credit card to a customer who has difficulty qualifying for a credit card (specification p. 3; Buchanan column 1, lines 55-58). Buchanan uses different terminology in classifying the status of a credit card as being "unfulfilled" (un-activated), "temporarily fulfilled" (activated to a modest initial credit limit), "fulfilled" (activated to available credit limit) or "closed (column 3, lines 50-67)." Appellant's attempt to distinguish over the cited art due to the use of different terminology is unpersuasive. It is respectfully requested that the rejection as to claims 1 and 12 be sustained.

Claims 2, 3, 5-11, 13-16 and 30-33

Appellant relies on the above referenced arguments and accordingly the rejection as to these claims should also be sustained.

Claims 4 and 23

Appellant argues that Buchanan fails to disclose the limitation of not informing the customer of the temporary credit limit (brief at 16). In fact, Buchanan discloses that "a card request input is received indicating that a customer has made a request for a credit card, and, in response, a credit card account with an initial credit limit is created for the customer (abstract)."

The initial, modest or temporary credit limit is automatically determined and provided until a later determination is made by the issuer to provide a new credit limit based on a saving account for example. Again, Appellant's reliance on semantics to overcome the prior art is unpersuasive.

Claims 1, 12, 17 19 and 21

Appellant argues that the cited reference Walker fails to teach the step or program code for providing "a second risk-splitting question based on the first response for provision to the applicant, the second risk-splitting question being configured to elicit additional information regarding the subject matter associated with the first response (brief at 17)."

Page 11 of the specification provides that "risk-splitting questions may include: What is your gross annual income? Do you have a car? Do you have a checking account? Do you own your current residence? How many credit cards do you have? What is your monthly housing/rent payment? Do you have a car loan?" In the background to the invention, appellant acknowledges that asking risk-splitting questions is well-known in the art in assessing and providing credit (specification pp.2-3)." Applicant merely acknowledges the need to pose such questions in real-time at the time of activation, so that relevant follow-up questions can be posed and answers provided represent the current state of the consumer. *Id.* Walker teaches that "risk-splitting questions" such as current debt payments, rent/mortgage payments etc. are utilized electronically in real-time to determine a maximum debt burden in assessing the potential risk of the consumer and ultimately determining the credit limit (column 7, line 57 – column 8, line 43).

Appellant's argument that Walker's risk-splitting questions are "static" since questions posed are not based on applicant's response is without merit (brief at 18-19). Walker's risk

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assessment sequence of questions as evidenced by Figures 41, 42 and 44 demonstrate that each step in the process is dependent and determined upon each answer given.

Claims 2-11, 13-16, 18, 20, 22 and 24-39

Appellant relies on the above referenced arguments and accordingly the rejection as to these claims should also be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is respectfully requested that the rejections should be sustained.

Respectfully submitted,



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